

# EXHIBIT D

---

**From:** David J. Stanoch <d.stanoch@kanner-law.com>  
**Sent:** Thursday, June 8, 2023 11:34 AM  
**To:** Kapke, Kara  
**Cc:** Richer, Kristen; Layne Hilton  
**Subject:** RE: [EXTERNAL] Re: Valsartan meet and confers

**Caution: This email originated from outside the Firm.**

---

Kara,  
Further to the below, please see, e.g., the following:

- *Corcoran v. CVS Health*, 2019 WL 6250972 (N.D. Cal. Nov. 22, 2019)
- *Hasemann v. CVS Pharmacy, Inc.*, 2023 WL 1785545 (E.D.N.Y. Feb. 6, 2023) & *Hasemann v. Gerber Products Co.*, 2023 WL 2499131 (E.D.N.Y. Mar. 14, 2023)
- *In re Online DVD-Rental Antitrust Litigation*, 779 F.3d 934 (9<sup>th</sup> Cir. 2015)
- *Kolinek v. Walgreen Co.*, No. 1:13-cv-04806 (N.D. Ill. Apr. 3, 2015), ECF 97
- *In re Bayer Corp. Combination Aspirin Products Marketing and Sales Practices Litigation*, 2012 WL 13059198 (E.D.N.Y. Aug. 17, 2012)

David J. Stanoch  
Kanner & Whiteley, L.L.C.  
701 Camp Street  
New Orleans, LA 70130  
(504) 524-5777(t)  
(504) 524-5763(f)  
[www.kanner-law.com](http://www.kanner-law.com)

---

**From:** David J. Stanoch  
**Sent:** Wednesday, June 7, 2023 5:07 PM  
**To:** Kapke, Kara <Kara.Kapke@btlaw.com>

**Cc:** Richer, Kristen <Kristen.Richer@btlaw.com>; Layne Hilton <lhilton@meyerwilson.com>

**Subject:** Re: [EXTERNAL] Re: Valsartan meet and confers

Kara, we can be available in the window on Monday afternoon you suggested earlier. Will revert separately on the other items below.

On Jun 7, 2023, at 3:56 PM, Kapke, Kara <[Kara.Kapke@btlaw.com](mailto:Kara.Kapke@btlaw.com)> wrote:

Thanks — safe travels to you as well.

I think our concern is more that there is a lot to discuss with respect to the various moving pieces that will be covered in the briefing, and given all that we need to work through on the items discussed at today's conference and relating to CMO 32, additional time might be warranted.

We may be able to make more progress on custodial discovery proposals over the weekend to present to you on Monday as well. As we mentioned to you in the email traffic leading up to the Court entering the briefing schedule, we don't believe we've had adequate time with the draft RFPs you sent us to fully brief and respond to those issues on 6/13, but we'd like to at least lock a meeting in on Monday so that we can run through some of those issues, hopefully find common ground on the schedule, and circle back on anything lingering over the weekend. We have a call with the Pharmacy Defendants on Monday afternoon, so scheduling our check-in after that might give us a chance to confer with our group and get back to you on open items.

On your other asks:

- We will do our best to identify capabilities of the other datasets on or before by Friday but as Kristen outlined today, there are feasibility, administrability and timing concerns. To help focus our attempts here, though: Is it just loyalty data that Plaintiffs are seeking? The letter seems to call for something broader than that. We are still investigating these issues with our clients, but will talk through what we can on Friday.
- On the telephone/payor request, we will confer with the group and report back on this on or before Friday.

Kara Kapke  
Barnes and Thornburg

(317) 509-9545

On Jun 7, 2023, at 2:40 PM, David J. Stanoch <[d.stanoch@kanner-law.com](mailto:d.stanoch@kanner-law.com)> wrote:

**Caution: This email originated from outside the Firm.**

---

Kara,

Could you please let us know what if anything you believe might change between Friday afternoon and Monday necessitating another meet and confer? We are not saying no but it's unclear what will be accomplished as a practical matter.

Also, for Friday (if not sooner, if it can be provided ahead of time), we would really like to know more about the structures and querying abilities of Retailers' other databases so we potentially can make some proposals to address the burden concerns Kristin alluded to today.

And to the extent Retailers are now prepared to produce telephone numbers and/or payor identities, kindly let us know that on or before Friday if possible as well.

Regards, please have safe flights,  
Dave

On Jun 7, 2023, at 2:28 PM, Kapke, Kara <[Kara.Kapke@btlaw.com](mailto:Kara.Kapke@btlaw.com)> wrote:

Dave: Please send us the cases you referenced in argument today so we can have a more productive meet and confer on Friday. Also, can we please get time scheduled for Monday? Thanks.

Kara Kapke  
Barnes and Thornburg  
(317) 509-9545

**CONFIDENTIALITY NOTICE:** This email and any attachments are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, please do not read, distribute or take action in reliance upon this message. If you have received this in error, please notify us immediately by return email and promptly delete this message and its attachments from your computer system. We do not waive attorney-client or work product privilege by the transmission of this message.

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

**CONFIDENTIALITY NOTICE:** This email and any attachments are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, please do not read, distribute or take action in reliance upon this message. If you have received this in error, please notify us immediately by return email and promptly delete this message and its attachments from your computer system. We do not waive attorney-client or work product privilege by the transmission of this message.

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.